

ADDENDUM FOR PLANNING COMMISSION STAFF REPORT DATED FEBRUARY 15, 2018 FOR THE GENERAL PLAN MAP AMENDMENT AND LOCAL PROGRAM AMENDMENT (MST2018-00070) INCLUDING THE 2018 PLANNING COMMISSION REVIEW DRAFT COASTAL LAND USE PLAN

This Addendum contains additional comment letters received between January 12th and February 26th, topical responses to those comment letters, corrections to the February 15, 2018 Planning Commission Staff Report, and additional changes proposed to the 2018 Planning Commission Review Draft Coastal Land Use Plan.

Comment Letters

Two comment letters were received between January 12th and February 26th. One from U.S. Fish and Wildlife Service and one from Suzanne Elledge Planning & Permitting and are attached as Exhibit A to this Addendum. Topical responses to the comments are contained in Exhibit B to this Addendum.

Planning Commission Staff Report Corrections

The Planning Commission Staff Report, page 11, incorrectly cites that seven comment letters were received. Six letters were received on or before January 11th. Letters were also received from the Creeks Advisory Committee and from the Harbor Commission after January 11th due to their meeting schedules.

Appendix G, City Response to Comments Received by January 11, 2018, on the Public Review Draft Coastal LUP (November 2017) should have also included the text changes to pages 1.3-1 and 1.3-2 in response to Sheila Lodge's comments that were included in the 2018 Planning Commission Review Draft Coastal LUP.

Changes to the 2018 Planning Commission Draft Coastal LUP

The following are changes to the 2018 Planning Commission Review Draft Coastal Land Use Plan included as Exhibit B to the February 15, 2018 Planning Commission Staff Report. In addition to the changes described below, Commissioners Wiscomb and Lodge have provided staff with numerous text and figure edits that generally provide clarifications or corrections. These text and figure edits will be incorporated into the 2018 Council Review Draft Coastal LUP.

Chapter 1.2 Santa Barbara's Local Coastal Program

Text Section

The following text is added to page 1.2-4 under Coastal LUP Organization and Interpretation to clarify how findings should be made on coastal development permits:

A coastal development permit can only be approved if the development is consistent with the City's Local Coastal Program, including the Coastal LUP and the City's Implementation Plan (Zoning Ordinance and other implementing guidelines). Where needed, relevant Coastal Act policies, including all of the public access and recreation policies of Chapter 3 of the Coastal Act, have been incorporated as policies of this

Coastal LUP. While the other portions of the Coastal Act provide guidance on the interpretation of Coastal LUP policies, findings of consistency with all of the policies of the Coastal Act are not required for the City to issue coastal development permits within the City's permitting jurisdiction.

Chapter 2.1 Land Use & Development

City Plans and Programs Policy Section

The following policies are added to ensure all the public access and recreation policies of the Coastal Act are included as policies of the Coastal LUP:

Policy 2.1-New1. Water-Oriented Recreation. As outlined in Coastal Act Section 30220, coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Policy 2.1-New2. Protection of Oceanfront Lands for Recreation. As outlined in Coastal Act Section 30221, oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Policy 2.1-New3. Protection of Upland Areas for Recreation. As outlined in Coastal Act Section 30223, upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Development Review Policy Section

Policy 2.1-16 is changed as follows to clarify that additions are considered new development subject to all the policies of the Coastal LUP and to address repairs and alterations that arise out of the building permit process:

Policy 2.1-16 Nonconforming Development. The following apply to development that is nonconforming with relation to the policies of this Coastal LUP:

- a. Any lawfully established structure or site development that conforms to the requirements under which it was legally established, but does not comply with any policy of the Coastal LUP, shall be considered legal nonconforming;
- b. Legal nonconforming structures or site developments may be continued, repaired, and maintained as long as these activities do not rise to the level of substantial redevelopment;
- c. The right to continue does not apply to legal nonconforming structures and site development deemed to be a public nuisance because of health or safety conditions, as determined by the Chief Building Official;
- d. Alterations to a legal nonconforming structure or site development within the existing development footprint may be permitted provided that the alteration does not increase any existing nonconformity and is not considered a substantial redevelopment;
- e. Additions are considered new development and must conform to all policies of the Coastal LUP. Additions to a legal nonconforming structure may be permitted if the addition conforms with the policies of this Coastal LUP (e.g. is located outside required buffer areas)—and and provided that any alterations to the legal nonconforming development needed to develop the addition conform to subsection d.

above. If the addition would result in alternations or repairs to the legal nonconforming structure to a level considered substantial redevelopment, then the addition and the substantially redeveloped legal nonconforming structure would both be considered new development and must conform to the all policies of the Coastal LUP pursuant to subsection f. below does not increase any existing nonconformity;

- f. Substantial redevelopment is considered new development and must conform to all policies of the Coastal LUP; ~~and~~
- g. Alterations or addition to a legal nonconforming development may be permitted as may be reasonably necessary to comply with any lawful order of any public authority, such as seismic safety requirements, the American with Disabilities Act, or a Notice and Order of the Building Official, made in the interest of the public health, welfare, or safety; and
- h. Repairs and alterations to legal nonconforming structures that are required in order to conform to building code requirements, geotechnical reports, or other City Ordinances shall be considered part of the overall project reviewed through the coastal development permit process. If additional repairs, alterations, or other development not previously considered as part of the coastal development permit arises as a result of permitting process subsequent to review of the coastal development permit (building permit or other), the additional development shall be required to undergo further coastal development permit processing.

Definition and Procedures Policy Section

Policy 2.1-24 is changed as follows to clarify that the calculation of substantial development pertains to structural elements only:

Policy 2.1-24 Substantial Redevelopment. A substantial redevelopment is defined as follows:

- a. Areas Not within: Potential Shoreline Hazards Screening Areas 1 (City-Owned Low Lying Beach and Backshore Areas), 2 (Bluff Backed Beaches), 3 (Coastal Bluff Faces), 4 (Coastal Bluff faces), and 5 (Stearns Wharf and Harbor) on Figure 5.1-1 *Interim Shoreline Hazards Screening Areas*; 35' of the top of bank of Mission Creek; 50' of the top of bank of Arroyo Burro, Sycamore Creek, or Laguna Channel; and the canyon on both sides of Arroyo Honda, Mesa Creek, or Lighthouse Creek as generally depicted on Figure 4.1-4 *Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda*.
- i. A substantial redevelopment occurs when a structure is either completely demolished or at least two of the three conditions below take place within any five-year period:
 - a. More than 50 percent of the structural elements of the roof or roof framing is replaced, structurally altered, or removed;
 - b. More than 50 percent of the structural exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are replaced, structurally altered, removed, or are no longer a necessary and integral structural component of the overall structure; and/or
 - c. More than 50 percent of the foundation system is replaced, structurally altered, removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar

element(s) that connect a structure to the ground and transfers gravity loads from the structure to the ground.

- ii. Fences, patios, decks, staircases, or similar structures, shall be considered to be substantially redeveloped when more than 50 percent of either the lineal feet or area of the structure is replaced, structurally altered, or removed.
- b. Areas within: Potential Shoreline Hazards Screening Areas 1 (City-Owned Low Lying Beach and Backshore Areas), 2 (Bluff Backed Beaches), 3 (Coastal Bluff Faces), 4 (Coastal Bluff faces), and 5 (Stearns Wharf and Harbor) on Figure 5.1-1 *Interim Shoreline Hazards Screening Areas*; 35' of the top of bank of Mission Creek; 50' of the top of bank of Arroyo Burro, Sycamore Creek, or Laguna Channel; and the canyon on both sides of Arroyo Honda, Mesa Creek, or Lighthouse Creek as generally depicted on Figure 4.1-4 *Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda*.
 - i. A substantial redevelopment occurs when either of the two conditions below cumulatively take place following the date of certification of the Coastal LUP:
 - a. More than 50 percent of the structural exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are replaced, structurally altered, removed, or are no longer a necessary and integral structural component of the overall structure, or
 - b. More than 50 percent of the foundation system is replaced, structurally altered, removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar element(s) that connect a structure to the ground and transfers gravity loads from the structure to the ground.
 - ii. Fences, patios, decks, staircases, or similar structures shall be considered to be substantially redeveloped when more than 50 percent of either the lineal feet or area of the structure is replaced, structurally altered, or removed cumulatively following the date of certification of the Coastal LUP.
- c. The calculation for determining what percentage of a wall has been replaced, structurally altered, or removed will be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the structure's ceiling. The calculation for determining what percentage of the roof or foundation system has been replaced, structurally altered, or removed will be based on the lineal feet of the foundation system, count of post and piers, or overall square footage of that individual element.

Chapter 2.2 Coastal-Dependent & Related Development

Development Review Policy Section

In response to verbal comments from Commissioner Lodge Policy 2.2-20 is changed as follows:

Policy 2.2-20 Stearns Wharf Pedestrian Access. Stearns Wharf was designed to be and continues to be primarily a pedestrian environment, and vehicles on the Wharf shall be secondary to pedestrians. The protection and ease of pedestrian access shall be reviewed in all applications for new development and substantial redevelopment on the Wharf. The existing perimeter public walkway shall be maintained to provide maximum public viewing opportunities of the Harbor and shoreline, break up the massing of the structures on the Wharf, and to provide quiet and intimate settings for the public to move outside of the main flow of pedestrian traffic on the Wharf.

Chapter 3.1 Public Access

Definitions and Procedures Policy Section

The following policy is added to ensure all the public access and recreation policies of the Coastal Act are included as policies of the Coastal LUP:

Policy 3.1-New1 Implementation of Public Access Policies. As outlined in Coastal Act Section 30214, the following shall be considered when implementing the public access policies of this Coastal LUP:

- a. The public access policies of this Coastal LUP shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
 - i. Topographic and geologic site characteristics;
 - ii. The capacity of the site to sustain use and at what level of intensity;
 - iii. The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; and
 - iv. The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.
- b. It is the intent of the City that the public access policies of the Coastal Act and this Coastal LUP be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this Coastal LUP or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution; and
- c. In carrying out the public access policies of this Coastal LUP the City shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Chapter 4.1 Biological Resources

Text Section

In response to comments received by USFWS (February 9, 2018), text on page 4.1-8 is changed under Special-Status Species & Other Wildlife as follows:

Twenty-seven plant species and 30 wildlife species that are federally or state listed as rare, threatened, or endangered currently have the potential to occur in the City of Santa Barbara, according to the California Natural Diversity Database, although this list is updated frequently and subject to change. Within the City's Coastal Zone, plant species of note include the cliff aster (*Malacothrix saxatilis*) and Davidson's saltscale (*Atriplex serranana* var. *davidsonii*), which have the potential to occur in the vicinity of Arroyo Burro Beach and estuary. Segments of Arroyo Burro and Mission and Sycamore Creeks support aquatic habitat that is important for the federally threatened southern steelhead trout (*Oncorhynchus mykiss*). The federally endangered tidewater goby (*Eucyclogobius newberryi*) resides year-round in brackish water at the mouths of Arroyo Burro, Mission Creek, Laguna Channel, and Sycamore Creek, and can occur in the Andrée Clark Bird Refuge ~~and its outflow lagoon for the Refuge near Cabrillo Boulevard~~. The U.S. Fish and Wildlife Service (USFWS) has designated the estuaries at Arroyo Burro, Mission Creek, and Laguna Channel as critical habitat for the tidewater goby. According to USFWS, critical habitats are specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. The southwestern pond turtle (*Clemmys marmorata*), a California Species of Concern, has the potential to occur in Laguna Channel, Sycamore Creek, Arroyo Burro, El Estero Drainage, the Andrée Clark Bird Refuge, and other locations. Threatened ~~western~~ snowy plovers (*Charadrius alexandrinus nivosus*) forage and roost along ~~waterfront beaches~~ East Beach. USFWS has designated West Beach and East Beach as critical habitat for overwintering western snowy plovers. . The federally and state endangered California least tern and bank swallow (*Riparia riparia*) also have been found near the Harbor and the Andrée Clark Bird Refuge. Monarch butterfly (*Danatus plexippus*) roost in eucalyptus groves at the Douglas Family Preserve, La Mesa Park, and adjacent to the Arroyo Honda valley.

Figures

In response to comments received by USFWS (February 9, 2018), Figure 4.2-2 *Potential Vegetation Communities*, has been amended to map the critical habitat areas for tidewater goby (estuaries of Arroyo Burro, Mission Creek, and Laguna Channel) and western snowy plover (West Beach and East Beach) (see Exhibit C).

Chapter 4.3 Scenic Resources & Visual Quality

Definitions and Procedures Policy Section

Policy 4.3-27 is changed as follows to add public bluff top vista points as a public area from where to view scenic resources.

Policy 4.3-27 Public Scenic Views and Scenic Resources Identification. Public scenic views are defined as views of scenic resources as viewed from public areas, such as Cabrillo Boulevard, Shoreline Drive, Cliff Drive, Meigs Road, Coast Village Road, ~~and~~ Highway 101, public bluff top vista points, trails, beaches, and parklands. Scenic resources are generally shown on Figure 4.3-1 Scenic Resources and include, but are not limited to, the following:

Areas inside the Coastal Zone of the City:

- a. Pacific Ocean;

- b. Coastal Bluffs & Shoreline;
- c. Creeks, Estuaries, Lagoons, and Riparian Areas;
- d. Stearns Wharf;
- e. Harbor;
- f. Douglas Family Preserve;
- g. Montecito Country Club;
- h. Andrée Clark Bird Refuge;
- i. Bellosguardo (formerly known as the Clark Estate);
- j. Santa Barbara Zoo;
- k. Parks;
- l. Historic Structures, Sites, and Trees important for their visual quality; and
- m. Landscaping and structures that are contributing resources to Scenic Highways and Routes (Potential State Scenic Highway—Highway 101 and Potential City Scenic Routes—Cabrillo Boulevard and Shoreline Drive).

Areas outside the Coastal Zone of the City:

- a. Pacific Ocean;
- b. Channel Islands;
- c. Foothills-Riviera; and
- d. Santa Ynez Mountains.

Figure 4.3-1 *Scenic Resources* is intended to be a general planning tool. Any scenic resource not designated on Figure 4.3-1 *Scenic Resources* that meets the definition of a scenic resource as specified above shall also be subject to the scenic and visual policies herein.

Chapter 5.1 Coastal Hazards & Adaptation

Development Review Policy Section

Policy 5.1-32 is changed as follows to clarify that the list of minor development allowed within the Coastal Bluff Edge Development Buffer is meant to be a definitive list of items. The changes below also fix a formatting error between Policy 5.1-32 and 5.1-33. The last portion of Policy 5.1-32 was mistakenly shown to be part of Policy 5.1-33.

Policy 5.1-32 Development Standards for Potential Shoreline Hazards Screening Area 4 (Coastal Bluff-Tops) on the Interim Shoreline Hazards Screening Areas Map.

- a. New development and substantial redevelopment shall be designed and sited to minimize impacts of coastal bluff erosion and coastal bluff slope failure to life and property; assure stability and structural integrity; and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area over the expected life of the development, factoring in the effects of sea level rise.
- b. Except for allowed development outlined in subsection c. below, new development and substantial redevelopment shall be sited landward of a Coastal Bluff Edge Development Buffer. The Coastal Bluff Edge Development Buffer shall be of sufficient size so as to ensure that new development and substantial redevelopment will not be threatened by erosion or slope instability, will not require the use of

existing or new slope stabilization devices (except existing devices protecting public roads), and will not require the use of existing or new shoreline protective devices (except existing devices protecting public roads) over its expected life, factoring in the effects of sea level rise. Policy 5.1-68 *Coastal Bluff Edge Development Buffer Calculation* provides a detailed methodology for site-specific analysis of Coastal Bluff Edge Development Buffers.

- c. New development and substantial redevelopment within Coastal Bluff Edge Development Buffers shall be limited to:
 - i. Development allowed on coastal bluff faces pursuant to Policy 5.1-31 Development Standards For Potential Shoreline Hazards Screening Area 3 (Coastal Bluff Faces) on the Interim Shoreline Hazards Screening Areas Map;
 - ii. Landscaping and other plantings consistent with Policy 5.1-37 Landscaping, Watering, Weight, and Drainage on Coastal Bluff Faces and Coastal Bluff Edge Development Buffers; and
 - iii. Minor, easily removable (without the use of mechanized equipment), non-habitable structures and improvements ~~such as~~ including patios (wood, pavers, stone, brick, tile, etc.) no more than 10 inches above grade, walkways, lighting for public safety purposes, fences limited to 42” in height, or vegetation barriers, if they are found to conform to the following:
 - a. Shall be located at least 10 feet from the coastal bluff edge (fences or other vegetation barriers for safety purposes could be located as close as 5 feet from the bluff edge if there is no other feasible option on the site);
 - b. Shall require an evaluation by a qualified California licensed professional (e.g., Professional Geologist, Engineering Geologist, Geotechnical Engineer, or Civil Engineer, as applicable) that shows that the improvement will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area;
 - c. Shall be designed to be visually compatible with the surrounding area;
 - d. Shall be subject to the conditions listed in Policy 5.1-41 *Conditions for Development in Shoreline Hazard Areas on the Interim Shoreline Hazards Screening Areas Map* and additional conditions of approval that:
 - i. Require proper maintenance of the improvements so that they do not become a safety issue or begin to affect erosion, geologic instability, or destruction of the site or surrounding area;
 - ii. Require that no mechanized construction equipment is used for installation or removal;
 - iii. Require removal of the minor improvements when erosion reaches less than 5 feet from the improvements or if the improvements are otherwise deemed unusable or unsafe due to imminent threat of damage or destruction from geologic stability, erosion, flooding, wave impact hazards, or other hazards associated with development on a coastal bluff or beach; and
 - iv. Limit the approval of the minor improvements to a maximum 20 years from the issuance of the Coastal Development Permit. When the permit term ends, the minor improvements shall be removed unless re-

evaluation of the site shows the minor improvements still meet the standards and conditions listed above and a new Coastal Development Permit is approved to retain the minor improvements.

- v. If compliance with subsection a. and b. above would prohibit a reasonable use of a lawfully created lot, Policy 5.1-35 Reduction of Coastal Bluff Face and Coastal Bluff Edge Development Buffer Standards or Policy 5.1-36 Sea Ledge Lane may apply.

Policy 5.1-33 ~~If compliance with subsection a. and b. above would prohibit a reasonable use of a lawfully created lot, Policy 5.1-35 Reduction of Coastal Bluff Face and Coastal Bluff Edge Development Buffer Standards or Policy 5.1-36 Sea Ledge Lane may apply.~~ Development Standards for Potential Shoreline Hazards Screening Area 5 (Stearns Wharf and Harbor) on the Interim Shoreline Hazards Screening Areas Map. New development and substantial redevelopment shall be sited and designed to minimize impacts of beach erosion, coastal flooding, and wave impacts to life and property; assure stability and structural integrity; and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area over the expected life of the development, factoring in the effects of sea level rise. See additional policies addressing uses in this Area in Chapter 2.1 *Land Use & Development* and Chapter 2.2 *Coastal-Dependent & Related Development*.

Definitions and Procedures Policy Section

The titles of Policies 5.1-62 through 5.1-66 are changed to include the addition of “for New Development and Substantial Redevelopment” to clarify that these evaluation requirements are for new development and substantial redevelopment. An example of this change is shown in the title of Policy 5.1-62 below. Evaluation procedures for repairs and alterations highly depend on the nature of the repair and would be determined by the Environmental Analyst on a case by case basis.

Policy 5.1-62 Potential Shoreline Hazards Screening Area 1 (City-Owned Low-Lying Beach and Backshore Areas) Evaluations for New Development and Substantial Redevelopment.

EXHIBITS

- A. Comments Received between January 12, 2018 and February 26, 2018 on the 2018 Planning Commission Review Draft Coastal LUP
- B. City Response to Comments Received between January 12, 2018 and February 26, 2018 on the 2018 Planning Commission Review Draft Coastal LUP
- C. Figure 4.1-2 Potential Wildlife And Special Status Species Areas